Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.	Application 11-05-017 (Filed May 16, 2011)
And Related Matters.	Application 11-05-018 Application 11-05-019 Application 11-05-020

DECISION GRANTING COMPENSATION TO NATIONAL CONSUMER LAW CENTER FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-08-030

Intervenor: National Consumer Law Center	**For contribution to Decision (D.) 14-08-030**
Claimed: $59,925.00	**Awarded: $50,112.00** (~16.38% reduction)
Assigned Commissioner: Catherine J.K. Sandoval	**Assigned ALJ: Kimberly Kim**

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	D.14-08-030 is the "Phase II" decision in these combined CARE/ESAP dockets and resolves numerous issues left unresolved in Phase I. Relevant to this fees claim, which seeks compensation for work solely relating to certain multifamily issues in the ESA Program, the Phase II decision "adopts the 2013 Multifamily Segment Study" and "adopts and directs implementation of the key recommendations from the 2013 Multifamily Segment Phase I study" (*see* D. 14-08-030, pp. 2-3). D.14-08-030 orders that housing subsidies not be counted as income and that the Investor Owned Utilities (IOUs) implement expedited enrollment procedures for certain multifamily buildings receiving assistance from the Department of Housing and Urban Development (HUD). These issues would not have been addressed by the Commission had National Consumer Law Center (NCLC) and its partners not raised them through testimony, comments and briefs. The decision also requires

	the IOUs to adopt a "single point of contact" for multifamily owners; to coordinate all available programs that can benefit multifamily buildings; to consider the inclusion of measures for common systems/common areas; and to allocate budgets for any new measures. All of these concepts were advocated by NCLC and its partners throughout this proceeding.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	August 8, 2011 and September 6, 2011	Verified.
2. Other specified date for NOI:		
3. Date NOI filed:	September 2, 2011	Verified.
4. Was the NOI timely filed?		Yes, NCLC timely filed the NOI.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A. 11-05-017	Verified.
6. Date of ALJ ruling:	October 20, 2011	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, NCLC demonstrated appropriate status.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	11-05-017	Verified.
10. Date of ALJ ruling:	October 20, 2011	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, intervenor demonstrated significant financial hardship.
Timely request for compensation (§ 1804(c)):		

13. Identify Final Decision:	D. 14-08-030	Verified.
14. Date of issuance of Final Order or Decision:	August 20, 2014	Verified.
15. File date of compensation request:	October 17, 2014	Verified.
16. Was the request for compensation timely?		Yes, NCLC timely filed the request for compensation.

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. **Advocating that housing subsidies shall not be counted as income.** NCLC, along with California Housing Partnership Corporation (CHPC) and National Housing Law Project (NHLP), were the parties who initially proposed that the value of income-tested housing subsidies cannot, in practice, and should not be counted as income, and the lead advocates on this issue throughout Phase II. The IOUs, along with some of the other intervenors, strongly opposed the NCLC/CHPC/NHLP proposal. The Phase I decision (p. 13) left the issue open for further study. The Phase II decision resolves it unequivocally and favorably to the NCLC/CHPC/NHLP position.	*To provide the context for NCLC's Phase II-related presentations summarized below, NCLC notes that it (with CHPC and NHLP) first proposed that housing subsidies should not be counted as income in Phase I, by filing the "Testimony of Wayne Waite RE: Counting of Housing Subsidies as Income" (Nov. 18, 2011). NCLC briefed this issue in its Initial Brief (Feb. 2, 2012). The Phase I Decision (D. 12-08-044, pp. 13, 167 & 355 [COL 86]) held that "NCLC's proposed multifamily expedited enrollment process" including "housing subsidy" issues would be "further examine[d]" in the "second phase"(Phase II) of this docket. The "second phase" largely addressed multifamily issues, through the Cadmus-conducted Multifamily Segment Study, which was formally adopted in the Phase II decision, D.14-08-030, pp. 2-3. During Phase II, the question of whether housing subsidies should be counted as income were also raised by Comm. Sandoval's Feb. 25, 2014 "Ruling Concerning Categorical Eligibility and Enrollment **and***	Verified, but we note NCLC put forth arguments that were duplicative of CHPC, TURN, and Greenlining on this issue. This demonstrates that the parties failed to adequately coordinate on this issue, which resulted in duplicitous efforts.[1]

[1] 2015 Cal. PUC LEXIS 264 (Cal. PUC 2015).

	Definition of Income" *[emphasis added]. The IOUs and some intervenors vigorously opposed excluding the value of housing subsidies from income, requiring NCLC to make detailed legal, factual and policy arguments at various times in Phase II.* **CLAIMANT'S PHASE II PRESENTATIONS:** (1) On February 25, 2013, NCLC (jointly with CHPC and NHLP) submitted an 8-page memo to Cadmus (the consultant which carried out the Multifamily Segment Study), "Summary of multifamily issues of interest to NCLC/CHPC/NHLP," to help inform Cadmus' research and the conduct of the Multifamily Segment Study. The memo specifically flagged for Cadmus that NCLC had "proposed that the value of housing subsidies not be counted as income" and that this issue should be addressed . NCLC also attended three workshops in connection with the work Cadmus carried out in order to complete its Multifamily Segment Study. (2) On Mar. 11, 2014, NCLC (jointly with CHPC/NHLP) filed comments in response to Question #4 of Comm. Sandoval's Feb. 25, 2014 Ruling, arguing that "the non-cash value of housing subsidies offered to subsidized housing tenants should not be counted as income." (3) In its June 2, 2014 "Comments of the National Consumer Law Center on Proposed Phase II Decision", pp. 6-7, NCLC again made arguments as to why "the non-cash value of housing subsidies should not be counted as income." (4) In Comments jointly submitted July 17, 2014 by NCLC, CHPC, NHLP and Natural Resources Defense Council	

	(NRDC) in response to the June 27, 2014 Phase II Alternate Proposed Decision (APD) of Comm. Florio, NCLC argued that the "alternate proposed decision properly orders that the value of means-tested housing subsidies should not be counted as income." (Comments, pp. 4-6 [these pages in the Comments were drafted by NCLC]). **DECISION:** D. 14-08-030, p. 62 ("Housing subsidies should not be counted as income"); p. 120, Ordering ¶ 40(3) ("Housing subsidies are not counted as income"). It is important to note that the final decision differs substantially from the proposed Phase II decision regarding the treatment of housing subsidies. The proposed decision (May 13, 2014) did not propose to exclude housing subsidies from income; the proposal to exclude housing subsidies first appeared in the Alternate Proposed Decision (APD) issued by Comm. Florio on June 27, 2014. A "Digest of Differences" issued as an attachment to the APD highlights that one of its differences is "defin[ing] income as excluding means-tested housing subsidies for purposes of eligibility for ESA/CARE," an issue advocated almost exclusively by NCLC and the parties working jointly with it. NCLC posits that its advocacy efforts contributed significantly to the APD and, therefore, to the housing subsidies portion of D.14-08-030.	
2. **Advocating that the IOUs shall propose an expedited enrollment process for those whose income is already verified by HUD.** NCLC, along with CHPC and NHLP, were the parties who initially	*To provide context for this portion of the Phase II claim, NCLC notes that during Phase I it (with CHPC and NHLP) first proposed an expedited enrollment process in testimony served Nov. 18, 2011: "Testimony of Matt Schwartz," pp. MS-7& MS-9; "Testimony of Dan*	Verified; NCLC put forth arguments that were duplicative of CHPC..

proposed that low-income households whose income was already verified by HUD should benefit from an expedited enrollment process that would reduce administrative costs and increase the accuracy of income verification. The IOUs, along with some of the other intervenors, strongly opposed the NCLC/CHPC/NHLP proposal. The Phase I decision left it open for further study, D.12-08-044, p. 13. The Phase II decision clearly resolves it favorably to the NCLC/CHPC/NHLP position.	*Levine," p. DL-5, DL-7 & DL-9; "Testimony of Wayne Waite Re: Expedited Enrollment." NCLC/CHPC/NHLP also made arguments in support of the proposal to adopt expedited enrollment in their joint Phase I Initial Brief (Feb. 2, 2012), pp. 17-25; in their joint Reply Brief (Feb. 16, 2012), and in the May 23, 2012 NCLC Comments on Judge Kim's May 4, 2012 Proposed Decision. The Phase I decision deferred consideration of NCLC's expedited enrollment proposal to Phase II (D. 12-08-044, pp. 13, 167, 325 & 355). Issues relating to expedited enrollment were addressed by Cadmus in its Multifamily Segment Study recommendations.* **CLAIMANT'S PHASE II PRESENTATIONS:** (1) (a) On February 25, 2013, NCLC (jointly with CHPC and NHLP) submitted an 8-page memo to Cadmus, "Summary of multifamily issues of interest to NCLC/CHPC/NHLP," to help inform Cadmus' research and the conduct of the Multifamily Segment Study. The memo specifically flagged for Cadmus that NCLC had proposed expedited enrollment for "those multifamily buildings" that are designated as "income-qualified" on any "list of such buildings published by the Department of Housing and Urban Development." NCLC also attended the three workshops held in connection with the Multifamily Segment Study, at which it continued to urge adoption of expedited enrollment. (b) The final Cadmus Multifamily Segment Study Report (Dec. 4, 2013) noted that various stakeholders had recommended consideration of expedited enrollment (Report, pp. 98, 121), and Cadmus endorsed it as well.	

	Report, pp. 193-194 ("The ESA Program may be able to increase energy savings results and likely serve more low-income households by relaxing the eligibility requirements to address low-income multifamily buildings as a whole; "All of the comparison programs the Cadmus team reviewed allow building owners to provide income qualification documentation for their buildings"); Report, p. 201("the Cadmus team recommends the IOUs consider whether expanding the variances under which a building qualifies for relaxed income verification requirements would increase the number of tenants the program is able to identify and serve"). (2) On March 11, 2014, NCLC, jointly with CHPC, NHLP and NRDC, submitted comments on Comm. Sandoval's February 25, 2014 "Ruling Concerning Categorical Eligibility." The concept of "categorical eligibility" is similar to the concept of "expedited enrollment" proposed by NCLC/CHPC/NHLP. In response to Comm. Sandoval's question #3 regarding categorical eligibility, we summarized the evidence we had offered in Phase I in support of expedited enrollment and urged the Commission to adopt that approach. March 11, 2014 comments, pp. 6-10. (3) On June 2, 2014, NCLC submitted comments on the May 13, 2014 proposed Phase II decision and again urged the Commission to unequivocally adopt expedited enrollment (Comments, pp. 5-6). (4) On July 17, 2014, NCLC, jointly with CHPC, NHLP and NRDC, submitted comments on the June 27, 2014 Phase II APD of Comm. Florio. NCLC supported the APD's proposal to	

	order the adoption of expedited enrollment, citing the expert testimony in support of expedited enrollment that NCLC (with CHPC and NHLP) initially filed Nov. 18, 2011. July 17, 2014 Comments, pp. 5-6. (5) On July 22, 2014, NCLC, jointly with CHPC and NHLP, filed reply comments in which we rebutted the arguments TELACU made in opposition to expedited enrollment. TELACU had been vigorously opposing expedited enrollment throughout the course of the proceeding. **DECISION:** D. 14-08-030, p. 3 (adopting and directing "implementation of the key recommendations from the 2013 Multifamily Segment Study"); p. 63 ("The IOUs shall propose an expedited enrollment process for the United States Department of Housing and Urban Development assisted multifamily housing wherein at least 80% of the tenants have incomes at or below 200% of federal poverty level"); p. 103, Ordering ¶ 43(d)(similar language to page 63). It is important to note that the final decision differs substantially from the proposed Phase II decision regarding the treatment of expedited enrollment. The May 13, 2014 proposed decision did not order the utilities to file expedited enrollment proposals, as does the final August 20, 2014 Phase II decision. The first mention by the Commission of adopting expedited enrollment appeared in the APD issued by Comm. Florio on June 27, 2014. A "Digest of Differences" issued as an attachment to the APD highlights that one of its differences is to "expedite enrollment for government-assisted housing	

	buildings," an issue advocated almost exclusively by NCLC and the parties working jointly with NCLC. NCLC posits that its advocacy efforts (along with those of CHPC and NHLP) contributed significantly to the "expedited enrollment" portion of the APD.	
3. **Proposing the creation of a "property owner path" that addresses the energy needs of the whole building, including central systems (e.g., heat, cooling, hot water).** NCLC, working closely with CHPC and NHLP, has been advocating since the outset of the proceeding that ESAP should engage not only multifamily tenants, but owners as well, creating a path by which <u>all</u> of a building's energy needs can be met, not just the in-unit needs of tenants but also central systems needs including upgrades to heating and hot water systems. In order to control costs for any expanded measures, we also proposed that a budget allocation be set for this multifamily work. In Phase I, NCLC largely addressed these issues through testimony and briefs, but the issues were not finally resolved. In connection with the Phase II decision and this compensation claim, NCLC's efforts were largely carried out by our active participation in the Multifamily Segment Study conducted by Cadmus. This Study, in large part, is the basis for the multifamily portions of the Phase II decision. We also	*In Phase I of the proceeding, NCLC, jointly with CHPC and NHLP, had provided extensive testimony, comments and legal arguments in support of the IOUs working directly with property owners and providing assistance for common area/common system measures such as central heating and hot water. In order to control the cost of any new measures, we had also proposed setting a budget cap on expenditures in multifamily buildings.* *See "Response of the National Consumer Law Center" (June 14, 2011) [contending that the IOUs should provide assistance for efficient heating and hot water systems]; "Prehearing Conference Statement of the National Consumer Law Center" (July 28, 2011)[urging reconsideration of the prohibition on providing assistance for heat and hot water systems]; "Initial Brief of the National Consumer Law Center" et al. (Feb. 2, 2012); "Testimony of Matt Schwartz" (Nov. 18, 2011); "Testimony of Dan Levine" (Nov. 18, 2011); "Reply Testimony of Ann Silverberg" (Dec. 9, 2011); "Reply Testimony of Charles Harak" (Dec. 9, 2011); "Responses of NCLC, CHPC and NHLP To ALJ's Ruling Seeking Comments" (Jan. 31, 2012) [regarding costs of various multifamily measures and proposing budget allocations/ cost caps]; "Initial Brief of NCLC, CHPC and NHLP" (Feb. 2, 2012)[urging a whole building approach]; "Reply Brief*	Verified.

focused our efforts on commenting on the Alternate Proposed Decision drafted by Comm. Florio, which, as to multifamily issues, was fully adopted in D. 14-08-030.	*of NCLC, CHPC and NHLP" (Feb. 16, 2012).* *Final decision on those issues was in large part deferred to the Multifamily Segment Study carried out by Cadmus and to the Phase II decision. NCLC's relevant efforts in Phase II are described immediately below.* **CLAIMANT'S PHASE II PRESENTATIONS:** (1) (a) On February 25, 2013, NCLC (jointly with CHPC and NHLP) submitted an 8-page memo to Cadmus, "Summary of multifamily issues of interest to NCLC/CHPC/NHLP," to help inform Cadmus' research and the conduct of the Multifamily Segment Study. The memo specifically flagged for Cadmus that we were recommending the inclusion of heating, hot water and other central system measures, and that it is important for ESAP to overcome the barriers that owners of multifamily housing face in trying to implement energy efficiency investments. We also attended the three workshops held in connection with the Multifamily Segment Study, continuing to voice our concern that ESAP should provide a path for owners, not just tenants, so that the energy needs of the entire building can be addressed at one time, rather than piecemeal through ESAP, MFEER, Energy Upgrade California and other programs. (b) The Multifamily Segment Study Report (Dec. 4, 2013) included the recommendation that the IOUs "identify options for integrating the ESA Program with MFEER and/or EUC MF to create a comprehensive project path for multifamily building owners." Report, p. 206 (2) In formal comments NCLC and	

	CHPC filed via the Commission's energydataweb on March 1, 2013, we flagged for the Multifamily Segment Study team the need to overcome barriers owners face; the importance of integrating available energy efficiency programs; and the value of surveying programs in other states to ascertain the extent to which they provide assistance to owners (versus tenants) and whether heat and hot water are allowable measures. (3) On June 2, 2014, NCLC filed comments on the May 13, 2014 Phase II proposed decision (PD). In general, we argued that this PD did not establish clear enough requirements for the IOUs when drafting their 2015-2015 ESAP plans for the multifamily sector. In particular, we argued that the Commission should more clearly require IOUs to be "targeting multifamily owners and property managers/integrating programs" and "developing proposals that address central heating, hot water and cooling systems." June 2, 2014 Comments, pp. 7-9. (4) On July 17, 2014, NCLC, jointly with CHPC, NHLP and NRDC, submitted comments on the June 27, 2014 Phase II APD of Comm. Florio. In those comments, we supported the APD's proposals to serve larger multifamily properties by working directly with the owners; to include full-building measures such as heating, cooling and hot water systems; and to require IOUs to propose budget allocations for any additional measures. July 17, 2014 Comments, pp. 4, 9-10. NCLC drafted the cited pages of the Comments. (5) On July 22, 2014, NCLC (jointly with CHPC and NHLP) filed reply	

	comments responding to TELACU's long-running opposition to including whole-building measures in ESAP. **DECISION:** (a) D.14-08-030, p. 62: "The IOUs serving multifamily properties shall work directly with property owners where this approach reduces barriers to participation." (b) Same, p. 64: "The IOUs . . . should propose new, cost-effective measures for the multifamily sector, including common area measures and central heating, cooling, and hot water systems. The IOUs' proposals . . . should include (1) a total budget . . . and a proposed budget allocation, (2) an explanation of why the proportion proposed . . . is reasonable." (c) Same, p. 102, COL 41(adopting the Multifamily Segment Study); COL 43(a). (d) Same, p. 119, Ordering ¶ 36 (ordering IOUs to "incorporate . . . the findings and recommendations from the . . . Multifamily Segment Study"); p. 120, Ordering ¶¶ 40(1); 41 & 42 (requiring IOUs to propose cost-effective common area measures and budgets for new multifamily measures).	
4. **Proposing that the IOUs create a single point of contact and coordinate among all available programs.** NCLC, along with CHPC and NHLP, early in Phase I proposed that the IOUs create a single point of contact as a way for multifamily owners and tenants to access all available programs and assistance for making a multifamily building more	*In Phase I of the proceeding, NCLC (with CHPC and NHLP) advocated for a single point of contact and integrating all available programs through the "Response of NCLC" (June 14, 2011), pp. 2-3; "Testimony of Matt Schwartz" (Nov. 18, 2011); "Testimony of Dan Levine" (Nov. 18, 2011); "Testimony of Wayne Waite Re; Tenant Benefits"; "Reply Testimony of Matt Schwartz" (Dec. 9, 2011); "Initial Brief of NCLC, CHPC and NHLP" (Feb. 2, 2012) and "Reply Brief of NCLC, CHPC and*	Verified; but NCLC put forth arguments that were duplicative of CHPC and ACCES.

energy efficient. The Phase II decision fully adopts that position. (NCLC notes that this issue overlaps in part with #3, above. We are not seeking any additional compensation beyond that commensurate with #3, above. We discuss these two issues separately because they are addressed separately in D. 14-08-030.)	*NHLP" (Feb. 16, 2012). Further consideration of these issues was deferred to Phase II, including through the Multifamily Segment Study (D. 12-08-044, pp. 164-167).* **CLAIMANT'S PHASE II PRESENTATIONS:** (1) (a) On February 25, 2013, NCLC (jointly with CHPC and NHLP) submitted an 8-page memo to Cadmus, "Summary of multifamily issues of interest to NCLC/CHPC/NHLP," to help inform Cadmus' research and the conduct of the Multifamily Segment Study. The memo specifically flagged for Cadmus that we were recommending adoption of a "true one-stop shopping/single point of contact" through which all available energy efficiency programs and assistance could be accessed. We also actively participated in the Multifamily Segment Study process, including by attending the three workshops with Cadmus and the study team. (b) The final Multifamily Segment Study Report (pp. 206-207) recommended that the IOUs "identify options for integrating the ESA Program with MFEER and/or EUC MF to create a comprehensive project path for multifamily building owners" and offer owners and tenants a "single point of contact." (2) In Comments filed June 2, 2014 on the May 13, 2014 Phase II PD, NCLC noted that "one of the most important recommendations to come out of the MF [Multifamily] Study is to 'identify options for integrating the ESA Program with MFEER and/or EUC MF to create a comprehensive project path for multifamily building owners.'" NCLC urged that the PD be revised to <u>require</u>	

	the IOUs to file proposals in their three-year plans that addressed this recommendation of the Multifamily Segment Study. (3) In Comments NCLC drafted and filed jointly with CHPC, NHLP and NRDC on July 17, 2012, we supported those portions of the APD drafted by Comm. Florio which required the IOUs to coordinate among all available programs. (Comments, pp. 7-9). **DECISION:** (a) D. 14-08-030, p. 63 ("The IOUs shall appoint a single point of contact for the ESA Program, as is already the case for the Energy Upgrade California program" and "The IOUs shall coordinate among ESA, CARE and Energy Upgrade California, including any potential pooling of funds among programs where such pooling maximizes energy efficiency treatment of multifamily housing and ensures that more potential eligible customers are enrolled"). (b) Same, p. 103, COL 43(e) & (f). (c) Same, p. 120, Ordering ¶ 40(5) & (6).	

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?[2]	**Yes**	**Verified.**
b. Were there other parties to the proceeding with positions similar to yours?	**Yes**	**Verified.**
c. If so, provide name of other parties: California Housing Partnership and National Housing Law Project generally took very similar (or identical) positions as NCLC on the issues described in this claim; TURN, Natural		**Verified.**

[2] The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Resources Defense Council (NRDC) and ORA sometimes supported NCLC's positions on some of those issues.	
d. Intervenor's claim of non-duplication: (1) On all of the issues listed above in Part II.A., NCLC/CHPC/NHLP were the lead parties, being the first to raise those issues and playing the lead advocacy role throughout the case. The efforts of NCLC/CHPC/NHLP did not duplicate the efforts of TURN, NRDC or ORA as those latter parties simply supported, at times and as to some issues, the positions already being advocated by NCLC/CHPC/NHLP. (2) As to the possibility of duplication within the NCLC/CHPC/NHLP grouping of parties, NHLP played a limited role and will not be submitting a claim. Thus, there is no duplication with NHLP in terms of compensation being sought. NCLC and CHPC coordinated closely so that one or the other party played the lead role in drafting any documents filed; if both parties were involved in drafting a particular document, we carefully divided the work before we began drafting. Moreover, NCLC has exercised extensive billing discretion and is not seeking compensation for most of the time spent in discussions with CHPC to coordinate our work, further minimizing any duplication for any hours claimed for compensation by NCLC and CHPC. While both NCLC and CHPC attended the workshops held in connection with the Multifamily Segment Study, those workshops were critically important for us to attend --- the Report that issued from that Study formed the basis for the multifamily portions of the Phase II decision. As Cadmus and the Energy Division would likely attest if asked, NCLC and CHPC both were very actively engaged in the discussions at those workshops and offered much that was valuable to the Study team.	Verified, but *see* CPUC Disallowances and Adjustments, below.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

a. Intervenor's claim of cost reasonableness: The Phase II decision is the culmination of three years of advocacy by NCLC and its partners to effectuate significant changes in the multifamily portion of the ESA Program, with the goals of minimizing administrative expense (e.g., through expedited enrollment and the IOUs not spending time attempting to determine the value of hard-to-quantify housing subsidies), achieving deeper savings in each building served (by creating an owner path and including common area measures), and providing healthier, more comfortable and more economically viable buildings in which low-income tenants live (by reducing energy bills and treating the whole building's energy needs). The Phase II decision justifies the cost-reasonableness of NCLC's efforts as the decision rules unequivocally and favorably in support of NCLC's contentions that (1) housing subsidies should not be counted as income; (2) expedited enrollment should be implemented; (3) the IOUs should create an owner path that may include offering assistance	**CPUC Discussion** Verified.

on central/common systems; and (4) the IOUs must offer a single point of contact and integrate all available programs. As the Multifamily Segment Study Report documents (pp. 14-15), almost 1.2 million Californians live in multifamily buildings with 5 or more units, housed in over 50,000 separate buildings. In the San Francisco area, 90% of those buildings were built prior to 1980 and would no doubt benefit substantially from energy upgrades. Across the state, 68% of all multifamily buildings with 5 or more units were built prior to 1980. (Report, p. 35, fig. 7). Thus, there are approximately 800,000 multifamily units that are so old that they likely can achieve quite substantial energy savings and benefit from the changes to ESAP ordered in D. 14-08-030, unless they have already undergone substantial energy upgrades. If only 100,000 multifamily units see additional energy bill reductions of $100 each (a reduction that could be realized in just one year, let alone over the useful lives of installed measures), the benefits would be $10 million from the changes announced in D.14-08-030, just in the near term. Moreover, energy efficiency upgrades provide substantial comfort benefits for tenants, by making heating and cooling systems operate more reliably and with greater control over desired temperature. Lastly, the environmental benefits of increasing the energy efficiency of multifamily buildings should not be ignored, particularly in light of the state's ambitious greenhouse gas reduction goals. As noted in an April 2010 study conducted by the Benningfield Group ("U.S. Multifamily Housing Stock Energy Efficiency Potential"), affordable multifamily buildings have the potential to reduce their energy consumption by 29%. If such savings were even partially achieved as a result of D. 14-08-030, this would result in substantial reductions in greenhouse gas emissions. The Phase II decision overcomes many of the current barriers in the multifamily portion of the ESA Program and creates the opportunity to serve these multifamily buildings more fully, achieving deeper savings in each building served and reducing energy bills. The Phase II decision is a major and beneficial revamping of the ESA Program's multifamily offerings. In light of the scope of these changes, NCLC's fees claim of just under $60,000 is reasonable.	
b. Reasonableness of hours claimed: NCLC has exercised considerable billing discretion prior to preparing this claim. We have chosen to exclude approximately 70 hours of time and approximately $2,000 in expenses that we believe we would have the right to claim: (1) approximately 40 hours of travel time to and from the three workshops held in connection with the Multifamily Segment Study, with travel time being compensable at ½ the usual rate (*see* D. 14-10-023, p. 21 [allowing 48 hours of NCLC travel time at ½ full rate]); (2) travel expenses in connection with attending those workshops; (3) approximately 10 hours of time we spent conferring with CHPC and NHLP to divide up our work and minimize duplication, as well as time spent in discussions with the Energy	Verified, but *see* CPUC Disallowances and Adjustments, below.

Division, ORA, and other intervenors; and (4) 17 hours of work carried out by NCLC attorney Arielle Cohen, who assisted Mr. Harak in drafting the comments on the Phase II APD of Comm. Florio. We have limited our claim almost exclusively to work directly connected to our participation in the Multifamily Segment Study, drafting of comments and other filings, and review of relevant filings made by others as well as rulings and decisions of the Commission. We respectfully request that the Commission, in reviewing the reasonableness of the hours submitted, recognize the extent to which we have already exercised this substantial billing discretion: between the travel time, travel costs, and other hours excluded above, we are excluding over $20,000 from this claim, even though we believe we could have submitted a claim for these costs.	
c. Allocation of hours by issue: Not counting housing subsidies as income: 13% Expedited enrollment: 20% Multifamily, in general (single point-of-contact/integration of programs, "whole building", and broad arguments that overlap with the above two issues): 60% General legal work: 7%	Verified; *see* CPUC Disallowances and Adjustments, below.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Charles Harak, Esq.	2013	53.6	$510	Attachment #3	$27,336.00	43.00	$510 [1]	$21,930.00
Charles Harak, Esq.	2014	58.9	$510	Attachment #3	$30,039.00	48.68	$525 [2]	$25,557.00
				***Subtotal:* $57,375.00**				***Subtotal:* $41,922.00**
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	**Year**	**Hours**	**Rate $**	**Basis for Rate***	**Total $**	**Hours**	**Rate $**	**Total $**
Charles Harak, Esq.	2014	10	$255	½ of full rate, see Attachment #3	$2,550.00	10	$262.50	$2,625.00
				***Subtotal:* $2,550.00**				***Subtotal:* $2,625.00**
				TOTAL REQUEST: $59,925.00				**TOTAL AWARD: $50,112.00**

**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all

claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award. **Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	**Date Admitted to CA BAR[3]**	**Member Number**	**Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation**
Charles Harak	Admitted (Mass.) 6/15/1977	221120	No.

D. CPUC Disallowances and Adjustments:

Item	Reason
[1]	The Commission, after applying the 2013 cost-of-living adjustment to Harak's 2012 rate, sets Harak's 2013 rate at $510.
[2]	The Commission, after applying the 2014 cost-of-living adjustment to Harak's 2013 rate, sets Harak's 2014 rate at $525.
[3]	Duplicative with other parties occurred when preparing work on the following issue: housing subsidies; expedited enrollment; and multi-family. For this duplication, the Commission has reduced the number of hours associated with these issues by 20%. A total of 20.82 hours is disallowed from Harak's total hours claimed in this request.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (*see* Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

[3] This information may be obtained through the State Bar of California's website at http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch .

1. National Consumer Law Center has made a substantial contribution to D.14-08-030.

2. The requested hourly rates for National Consumer Law Center's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The claimed costs and expenses are reasonable and commensurate with the work performed.

4. The total of reasonable compensation is $50,112.00.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. National Consumer Law Center is awarded $50,112.00.

2. Within 30 days of the effective date of this decision, Pacific Gas & Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company shall pay National Consumer Law Center their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning December 31, 2014, the 75th day after the filing of National Consumer Law Center's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____2015, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		**Modifies Decision?**	No
Contribution Decision(s):	D1408030		
Proceeding(s):	A1105017 et al.		
Author:	ALJ Kim		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
National Consumer Law Center (NCLC)	10/17/2014	$59,925.00	$50,112.00	N/A	Disallowance for duplication with other parties.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Charles	Harak	Attorney	NCLC	$510	2013	$510
Charles	Harak	Attorney	NCLC	$510	2014	$525

(END OF APPENDIX)